

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MANN LEWIS, JR.,

Petitioner,

v.

Case No. 2:04-cv-202
HON. ROBERT HOLMES BELL

GERALD HOFBAUER,

Respondent.

_____ /

MANN LEWIS, JR.,

Petitioner,

v.

Case No. 2:04-cv-277

GERALD HOFBAUER,

Respondent.

_____ /

OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on April 15, 2008. The Report and Recommendation was duly served on the parties. The Court has received objections from Petitioner. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Petitioner objects to the Report and Recommendation to deny his petitions for a writ of habeas corpus challenging his prison misconduct proceedings. The state court refused to file

Petitioner's claim for judicial review under Mich. Comp. Laws § 600.2963(7) and (8) because of fees owed by Petitioner in a previously filed lawsuit. State courts have the authority to waive this bar to filing lawsuits for indigent suitors. Moreover, a petition for writ of habeas corpus is not a proper means to present a denial of access to the courts claim. Respondent had nothing to do with the denial of Petitioner's alleged access to the courts, and has no authority over those individuals who allegedly denied Petitioner's rights.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #45) is approved and adopted as the opinion of the Court.

Dated: August 12, 2008

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE